

# UNITED STATES DISTRICT COURT

for the

Western District of Pennsylvania

United States of America )

v. )

GARY L. BENNETT )

Case No: Criminal No. 06-02

USM No: Register No.09188-068

Date of Previous Judgment: 10/20/2006

Michael J. Novara

(Use Date of Last Amended Judgment if Applicable)

Defendant's Attorney

## Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 87 months is reduced to 70 months.

### I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 27

Amended Offense Level: 25

Criminal History Category: III

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Previous Guideline Range: 87 to 108 months

Amended Guideline Range: 70 to 87 months

### II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

☒ The reduced sentence is within the amended guideline range.

☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☐ Other (explain):

### III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated 10/20/2006 shall remain in effect.

IT IS SO ORDERED.

Order Date: 10/31/08

Effective Date: (if different from order date)

Judge's signature

Printed name and title

Restituted Judge